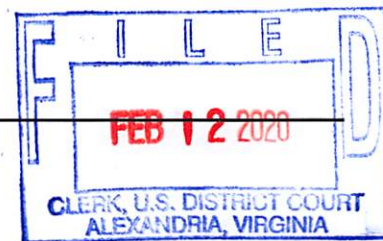


Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)



UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Alexandria Division

Case No.

1:20 cv 147 RDA/TCB

(to be filled in by the Clerk's Office)

Marc Stout,
Robert Stout

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Sgt. Mischou,
Lt. Bisek

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

pages if
needed.

Provide the information below for each plaintiff named in the complaint. Attach additional

Name	Marc Stout, Robert Stout		
Address	30 Willow Branch Place		
	Fredericksburg	VA	22405
	City	State	Zip Code
County	Stafford		
Telephone Number	(571) 398-9689		
E-Mail Address	legaleyesdrugs@gmail.com		

B. The Defendant(s)

defendant is an
defendant,
against

Provide the information below for each defendant named in the complaint, whether the individual, a government agency, an organization, or a corporation. For an individual include the person's job or title (if known) and check whether you are bringing this complaint them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Sgt. Mischou		
Job or Title (if known)	Manassas City police officer		
Address	9518 Fairview Ave.		
	Manassas	VA	20110
	City	State	Zip Code
County	Prince William County		
Telephone Number	(703) 257-8000		
E-Mail Address (if known)			

Individual capacity Official capacity

Defendant No. 2

Name	Lieutenant Bisek		
Job or Title (if known)	Manassas City police officer		
Address	9518 Fairview Ave.		
	Manassas	VA	20110

County
Telephone Number
E-Mail Address *(if known)*

City	State	Zip Code
Prince William County		
(703) 257-8000		

Individual capacity

Official capacity

Defendant No. 3

Name
Job or Title *(if known)*
Address

City	State	Zip Code

County
Telephone Number
E-Mail Address *(if known)*

Individual capacity

Official capacity

Defendant No. 4

Name
Job or Title *(if known)*
Address

City	State	Zip Code

County
Telephone Number
E-Mail Address *(if known)*

Individual capacity

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B.
secured by
what
officials?

Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, federal constitutional or statutory right(s) do you claim is/are being violated by state or local

First Amendment right to freedom of expression, freedom of the press, and freedom of assembly; Fourteenth Amendment right to equal protection and due process

C.
If you
federal

Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by officials?

D.
any
Columbia."
under color
color of

Section 1983 allows defendants to be found liable only when they have acted "under color of statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted of state or local law. If you are suing under *Bivens*, explain how each defendant acted under federal law. Attach additional pages if needed.

Sgt. Mischou and Lt. Bisek, as uniformed and employed Manassas City police officers, acted under their authority to enforce Virginia's trespassing laws.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?
Manassas City, Virginia

-
- B. What date and approximate time did the events giving rise to your claim(s) occur?
December 17, 2019, Mid-day
-

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what?*

Was anyone else involved? Who else saw what happened?)

We were present on the police department's public sidewalk, historically and presently at the time of the incident designated for public access.

We stood right outside, but on the publicly accessible side, of the security gate that separates the sidewalk where we were standing and the publicly accessible area of the parking lot from the restricted area that houses police vehicles and police equipment. We figured our chances of capturing a police officer on camera were greatest where we were standing.

Mischou and Bisek approached in their respective vehicles from the secure side of the security gate. Bisek got out of his vehicle but remained on the secure side while Mischou got out of his vehicle, opened the security gate, and stepped through to the publicly accessible side of the gate.

Mischou stood on our side of the security gate a few feet away from us. I notified Mischou that he was not detaining us but that our encounter was consensual. Mischou stated that he's the one who determines what our custody status is and asked what we needed help with. I replied, "We didn't ask for help, sir." Mischou rephrased his question. I took this opportunity to ignore Mischou and turned my attention to Bisek who was still standing on the secure side of the security gate.

As I was filming and speaking to Bisek, Mischou stepped onto the sidewalk where Robert and I were standing, suddenly filling my lense with his face, insisting that I speak with him. Robert took a few steps from behind me toward myself and Mischou. Mischou asked Robert if he could speak with him. When Robert stopped and stood next to Mischou to honor Mischou's request, Mischou stated to Robert, "Don't circle around me."

Mischou spun Robert around, dug one hand into Robert's back, gripped Robert's tricep with the other hand, and began shoving Robert towards the main road stating that we were being trespassed and escorted off the property. At one point one of Mischou's hands left Robert to push me off the property also. Mischou stated that we weren't allowed to "accuse" and "circle around" him. Mischou stated that the police department parking lot was his public property, that he didn't need a reason to trespass us, and that he could trespass us anytime he wanted to for no reason at all from all public property.

After we were escorted off the police department property to the sidewalk along the main road Lt. Bisek stated, "Do you think this is our first time doing this?" I replied that I believe him when he says they exhibit a pattern of violating people's constitutional rights. An unknown officer stepped from feet away to place his face inches away from my camera lens, which was inches away from my own face, asking me what it mattered whether he got in my face or not.

Bisek was present during and observed the entire incident. Not only did Bisek sanction Mischou's behavior, he supervised it as the department's designated official placed in charge of officer training.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.

If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Nominal damages of at least \$1;

Punitive damages of \$25,000 per plaintiff

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass,

cause

unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions

have

evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

2/10/2020

Signature of Plaintiff

[Signature]

Printed Name of Plaintiff

MARL J. STOUT

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____